

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **August 7, 2019 to conduct a Public Hearing**. The hearing was called to order at 7:00 p.m. by Chair Larry Antoskiewicz and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Larry Antoskiewicz, Vice Chair Frank Castrovillari, Jessica Fenos, Mayor Stefanik, Gene Baxendale, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytzky, Law Director Thomas Kelly.

PUBLIC HEARING:

For the benefit of those in the audience the secretary provided a brief overview of the PC meeting process. The Secretary stated public hearing notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

1. **PC19-28: ORDINANCE NO. 19-59** – AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1270 RESIDENTIAL DISTRICTS (OTHER THAN SENIOR CITIZEN AND RURAL RESIDENTIAL DISTRICTS) SECTION 1270.12 YARDS FOR ACCESSORY BUILDINGS AND USES, PARAGRAPH (a) (B), AND DECLARING AN EMERGENCY.

The Building Commissioner stated for some time the Board of Zoning Appeals has heard requests by residents to have a larger size accessory structure on their property. Because of the calculations we previously had in our codes anything above an acre would require us to divide the square footage of the house by one-half. e.g. if you have a small bungalow of 1,000 sq. ft. on a 14 acre lot, the amount of accessory structure allowed would be 1,000 divided in half. The amount of accessory structure would be limited to 500 sq. ft. This is significantly less than someone who owns an acre. Anyone above an acre who has a small home and has no interest in adding on to the home to get a bigger structure was coming before the BZA. This ordinance is essentially an opportunity to afford residents who have a smaller home on a lot containing one acre or more a larger accessory structure. The ordinance would remove that calculation quirk that we have had in our code.

Moved by Ms. Fenos, seconded by Mr. Castrovillari to **move this item to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. **Motion carried.**

2. **PC19-29: Discount Drug Mart** – Fischer & Associates Architects, Inc. on behalf of property owner Dave Boodjeh Discount Drug Mart, Inc. (Ja-Ba-An Dev. Co.) and Blue Monkey Brewing Company is seeking site plan approval for a proposed outdoor patio to be located at the western-most tenant space at 5500 Wallings Road, also known as PPN: 489-11-004 in Local Business (LB) District zoning.

Gary Fischer of Fischer & Associates Architects, Inc. stated there is an existing concrete slab patio at the front of the building on the western-most part of the plaza. He said his proposal is to enclose the patio with a rod iron fence and masonry columns around the perimeter. He said this would make it more of a captured patio for the tenant space that is there. He said the Blue Monkey Brewing Company, a micro brewing company which will be brewing on-site, is going into that space.

Jan Mayer, 5890 Wallings Road, stated she is concerned with a brewery going into that location. She said they already have tons of noise and music till early morning from either

Cleats, the Sippin Post, the neighborhood party barn and the Town Center. They also have drunks going down the street and bar trash from beer cans and cigarette butts which litter the area. She does not want another entity adding to that mess. She asked how the City is going to reduce the noise on that property. She said the bar patrons come to the DrugMart Plaza and continue partying in their parking lot. She said it is very disturbing; they can smell it, hear it or feel the vibration of the music.

Susan Caggiano-Fischer, 10649 Devonshire Drive, stated she is concerned with the patio and outside noise that will infringe on her ability to enjoy her backyard. She said she does not want to listen to someone else's music or conversation. She said she is also concerned about the trash, and safety due to the people loitering near the fence which borders her property and her property value.

Chris Amburn, 10659 Devonshire Drive, stated he is also concerned with the patio for the same reasons. He said he has made numerous complaints to DrugMart about trash and loud noises at night from the workers and people playing loud music against the fence.

Dan Langshaw, Ward 3 City Councilman, spoke in favor of the PC approval. He stated for over six years this space has been vacant since the French Quarter went out of business. He has been told by residents they want a new business in this space and to revitalizing the DrugMart Plaza. Mr. Langshaw said if the residents have safety concerns regarding loitering, call the Police Department and if there are still problems, he asked the residents to call him and he will be sure it is addressed. He said the managers at DrugMart addresses the trash problem when they are informed of it. He spoke of the difference between a brewery and a bar. He proposed conditions be placed on the patio vs. the inside business.

Bob Muniza, 10639 Devonshire Drive, stated PC decisions can impact the property value, such as the telephone tower adjacent to his property. He asked the PC consider the impact and balance the residents' concerns with the business.

Tim Fischer, 10649 Devonshire Drive, spoke against the approval. He expressed his concern for the safety of the adjoining residents including the two loading docks which are virtually dark and desolate.

Rich Sacha stated he is part of the ownership of Blue Monkey Brewing Company. He said he has lived in North Royalton his entire life and is part of a family business that has been in North Royalton for 34 years in the Industrial Parkway. He said they are looking to do something different in the City. He explained how the brewery is a tasting room; they will be making their own beer and sell it on premise. There will be no cans, bottles or plastic cups. The patio is going to be secured. The hours are limited; open on Wednesday, Thursday, Friday, Saturday and Sunday. The hours will not be late. It will be family friendly. There will be no live music or DJs outside. He is looking to be a destination location. He said he would like the people to give his business a chance.

Susan Fischer, 10649 Devonshire Drive, stated even though they may have good intentions, a law or rule has to be in place to regulate what they are permitted to do.

Moved by Mr. Baxendale, seconded by Ms. Fenos to **move this item to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. **Motion carried.**

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mayor Stefanik, seconded by Mr. Baxendale to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried**. The Public Hearing adjourned at 7:34 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **August 7, 2019 in regular session**. The meeting was called to order at 7:35 p.m. by Chair Larry Antoskiewicz.

PRESENT: Planning Commission: Chair Larry Antoskiewicz, Vice Chair Frank Castrovillari, Jessica Fenos, Mayor Stefanik, Gene Baxendale, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, City Law Director Thomas Kelly.

APPROVAL OF MINUTES:

Moved and seconded to approve the minutes of **July 10, 2019**. Motion carried.

OLD BUSINESS

1. **PC18-09: The Swim of Things.** Anna Paliwoda on behalf of The Swim of Things is seeking preliminary site plan approval for proposed parking lot enlargement and addition of a second egress drive located at 14386 Ridge Road PPN: 487-02-023 in General Business District zoning. Originally heard on 5-2-18. The latest 90-day extension expires 10-9-19. Tabled.
2. **Huntington Park Subdivision Phase 4.** Final site plan approval. The subdivision will consist of 14 single family residential lots on PPN: 488-12-030 in Residential (R1-A) District zoning. Phase 4 will be an extension of Angelina Drive. Final Plan approval was granted on 9-7-16. Approval expired 9-8-17. The latest 180 day extension expires 12-2-19. Tabled.
3. **PC19-16: Florio & Son Cement** – Dominic Florio on behalf of Rosa Florio is seeking building and site plan approval for construction of a 2,400 sq. ft. pole barn located at 9900 York Alpha Drive, also known as PPN: 483-14-023 in General Industrial (GI) District zoning. Tabled 5-8-19. Applicant received BZA approval on 6-20-19 with contingencies. Tabled.
4. **PC18-07: Tony Tomaro on behalf of Tomaro Properties received approval for** a lot split and consolidation of PPN:489-12-010 also known as 6700 Wallings Road and PPN: 489-12-011 also known as 12057 Ridge Road in Residential (R1-A) District zoning. PC approval expired 6/6/19. 90 day extension expires 9-4-19. Tabled.
5. **PC19-24: Bailey Development** – Chris Bailey of Bailey Development is seeking Preliminary Plan approval for a minor subdivision consisting of (5) five single family lots on 8.25 acre parcels of property. The proposed minor subdivision will be located on PPN: 486-17-013 and PPN: 486-17-012 in Residential (RRZ) District zoning. The proposed minor subdivision will be an extension of Watercrest Drive ending in a cul-de-sac. Request to table on 7-10-19. Tabled.

NEW BUSINESS

1. **PC19-28: ORDINANCE NO. 19-59** – AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1270 RESIDENTIAL DISTRICTS (OTHER THAN SENIOR CITIZEN AND RURAL RESIDENTIAL DISTRICTS) SECTION 1270.12 YARDS FOR ACCESSORY BUILDINGS AND USES, PARAGRAPH (a) (B), AND DECLARING AN EMERGENCY.

Mr. Baxendale asked for clarification. The Building Commissioner explained we created a category that addressed the small home on a large lot and also addressed an estate style living in Rural Residential District with a large parcel.

Moved by Ms. Fenos, seconded by Mr. Baxendale **to approve Ordinance No. 19-59**. Roll call: Yeas: Five (Baxendale, Mayor Stefanik, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**

2. **PC19-29: Discount Drug Mart** – Fischer & Associates Architects, Inc. on behalf of property owner Dave Boodjeh Discount Drug Mart, Inc. (Ja-Ba-An Dev. Co.) and Blue Monkey Brewing Company is seeking site plan approval for a proposed outdoor patio to be located at the western-most tenant space at 5500 Wallings Road, also known as PPN: 489-11-004 in Local Business (LB) District zoning.

Gary Fischer of Fischer & Associates Architects, Inc. stated the request is not for the brewery going in; it is a request for the patio itself. The goal is to improve the property by creating a more decorative appearance to the patio which will improve the site. An occupied building will lessen the opportunity for crime because circulation provides better security for a property. He said there will not be bottles or cans; they are serving beer in glasses on the premises or in a growler to take home. The patio will be used very infrequently because of the limited hours, the limited number of days, the weather plus the number of summer months. He said he is hoping the microbrewery will be a tourist draw. The clientele tends to be a little older, one who appreciates a good beer and are willing to pay a little bit more for a beer. He said if the PC feels additional plantings are needed around the perimeter of the patio, they can do that. They can grow hops on the fence.

The Building Commissioner stated he and the Community Development Director met with the architect and the applicant. He said he had comments and questions and asked that they address them at this meeting. He said the Fire Department expressed that siamese connection/Fire Department connection at the front corner of the patio. The applicant stated they are going to swing that to the front of the Building. The Building Commissioner asked if their intention is to relocate the Fire Department connection to the front of the building so they will have clearance to access. The Applicant responded yes. The Building Commissioner stated we had discussed landscaping buffering. He asked if their intent was to pull back the fence to give leeway to provide landscaping and buffering. The applicant responded yes, their intention is to pull the fence rail back in to provide a planter at the base. The Building Commissioner asked if they would push back the 2x2 piers and add a 1 ft. 6 in. planter. The applicant responded they would not plant in front of the piers but would plant between where the pickets are. The Building Commissioner asked if that will be significant enough to grow anything that is going to be of substantial of screening. The Applicant stated the fence would be off the ground and would straddle the proper-type of planters so vegetation would grow on both sides of the fence.

The Building Commissioner stated we would need some clarification. He said he was hoping after their earlier discussion that clarification would have been provided today. The Building Commissioner stated he had asked for occupancy counts with table layout. He asked if there is limited occupancy use in that structure. The Applicant responded yes. He said he would provide that information. During their earlier conversation he asked that they have hours of operation firmed up for this meeting. The Building Commissioner stated he had expressed concern regarding along the western-side vehicular traffic; it is not relevant with plantings because people will see it.

The Law Director stated the PC Board has the authority to set the parameters similar to a conditional use permit.

The Chair stated this is a permitted use. Being that the building is a permitted use, would they be allowed to use the patio as is. The Building Commissioner stated state law requires where alcohol is consumed at the outdoors, a fence be set at the perimeter. That would not prevent them from putting up a couple tables; however alcohol would not be permitted. He said having a fenced-in patio requirement and permission to serve alcohol on the patio would have greater opportunity to control the patio versus letting it go without restrictions.

The Building Commissioner asked with the restrictions on hours, would that also be able to extended to restrictions on outdoor sound systems. The Law Director stated C.O. 634.04 (a) (10) specifically includes the use of any amplification or music outdoors. The restriction is to be kept at a limit that does not reach any adjoining properties. He added the music they are hearing from other localities in the neighborhood is likely in violation; we have restrictions that would prohibit that kind of activity.

The Building Commissioner asked the applicant is there an intention to have any kind of outdoor bands or music given that ordinance that sound can't hit a neighboring property line. The applicant asked for clarification; if that would also work the other way regarding noise going from the residence house to neighboring properties. The Law Director said yes that restriction applies in both directions. This is a police ordinance regulating noise.

Rich Sacha responded on behalf of the Blue Monkey. He said they would have limited hours of operation: Wednesdays 4:00 – 10:00 p.m., Thursdays 4:00 – 10:00 p.m., Fridays 12:00 – 10:00 p.m., Saturdays 12:00 – 10:00 p.m., Sundays 12:00 – 8:00 p.m. He said as far as music goes if they have any live music such as a live band, it would be inside the building. He said they may have limited music outside the building such as an acoustic guitar or a speaker with some music; no loud music that would disturb the neighbors. Mayor Stefanik asked if they could operate without amplification or sound systems on the patio. Mr. Sacha responded he would like an outdoor speaker to have ambient music.

Mayor Stefanik asked how often the applicant would have food trucks and will they have a generator that constantly will be running. Mr. Sacha responded they do not run off a generator. He said the food trucks hours of operation would be Friday 4:00 – 7:00 p.m. and Saturdays 12:00 – 6:00 p.m. Those hours are for both interior and exterior business hours. He said they will not have a restaurant in their facility. The Building Commissioner stated the City Ordinances do not address the use or placement of outdoor food trucks. Currently outdoor sale of food is prohibited; therefore it would prohibit the use of a food truck. The Law Director stated that is correct. The Mayor stated the reason we didn't entertain food trucks is because we didn't want them coming from out of the City to compete with our local restaurants. Mr. Sacha stated they will have menus from local restaurants for ordering food to be delivered. The Building Commissioner stated there is a special events permit for food

trucks, such as for Home Days that can be handled through the Mayor's Office or Building Division.

Mr. Castrovillari asked could they pull one or two special event requests to get them up and running. The Law Director responded, the city of North Royalton has always tried to accommodate the needs of the business community to the extent that we are able to do so. To call the regular operation of a for-profit corporation a special event to allow them to bring in other for-profit corporations to make money is not likely going to be allowed. Until City Council passes an ordinance to allow it, he said his advice to the Police Department and Building Division is to enforce the law.

Mayor Stefanik suggested City Council entertain legislation that would allow food trucks from local businesses or restaurants only. He added that could be a good compromise. We would also make the school system abide by the same restriction; they would only bring in local vendors. The Building Commissioner stated as of this time, should the application be considered for approval, there are no outdoor food trucks permitted. The applicant responded he understands.

Mr. Castrovillari stated he would like the fencing pulled east a little to make the planters slightly larger on both sides. He said he would like to see a revised drawing. He said the south elevation, which is the view from the street, is plain. He would like to see it more like the west elevation with two or three more columns/posts and a gate in between the posts. He said he would like to have lights on the posts for additional lighting for the patio or what their plans are for lighting. Mr. Sacha asked if the PC would entertain market lights such as the string lights being used at "What's the Scoop." Mr. Castrovillari stated he would like revised plans resubmitted for final review. Mr. Baxendale agreed.

Mr. Antoskiewicz stated the patio will be in close proximity to the neighboring properties. He said he understands it is a different style of business and shouldn't be labeled as a bar. He said his biggest concern is that if the patio is an allowable use he said the PC should make sure it can be made the very best for the residents. He asked how many people the patio will seat. Mr. Castrovillari asked if there are stipulations on the business of a tasting room. The applicant stated he is not aware of any such stipulations.

Mr. Sacha stated the fence would be limited by the location of the current window. He said he would be happy to move the fence line in to touch the edge of the window and add the extra posts at the front. The Building Division dictates the number of seats on the patio, which reflects back to restrooms and occupancy of the facility. He said subject to Building Division approval there would be 28 seats at most on the patio.

Mr. Baxendale asked if it is feasible for a canvas canopy that would help deaden some of the sound. The Building Commissioner stated he is not for that; it may put them at risk of having an all-year round smoking area. Mr. Baxendale stated there are a lot of good reasons to at least consider approval of the patio. The voices over the short distance will travel. He said the best compromise would be restricted hours of the patio, possibly closing at 9:00 p.m.

Ms. Fenos agreed with the need for lighting; she said she is not opposed to the string lighting. She felt a 10:00 p.m. closing time on the limited number of days of the week which they are open is reasonable. Closing at 8:00 p.m. on Sunday is also reasonable. She said this business is something different and is a nice addition. She would like to see food trucks from local restaurants be added in the future.

Mr. Antoskiewicz said he would like to see patio hours for Wednesday and Thursday open until 9:00 p.m. Mr. Sacha said he is OK with that. When asked, he responded DrugMart is open until 10:00.

The Building Commissioner stated he would like to see the drawings with the revisions submitted within the next week or two. Mr. Sacha stated he would like to table the application. The Chair addressed the audience; he said on September 4, 2019 the applicant will be back before PC to address the issue.

Moved by Mr. Baxendale, seconded by Mr. Castrovillari **to table**. Roll call: Yeas: Five (Fenos, Baxendale, Mayor Stefanik, Antoskiewicz, Castrovillari). Nays: None. **Motion carried**.

MISCELLANEOUS

The next scheduled meeting is Wednesday, September 4, 2019.

ADJOURNMENT

Moved by Mayor Stefanik, seconded by Ms. Fenos to adjourn the August 7, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 8:15 p.m.

APPROVED: /s/ Larry Antoskiewicz
Chair

DATE APPROVED: September 4, 2019

ATTEST: /s/ Diane Veverka
Planning Commission Secretary